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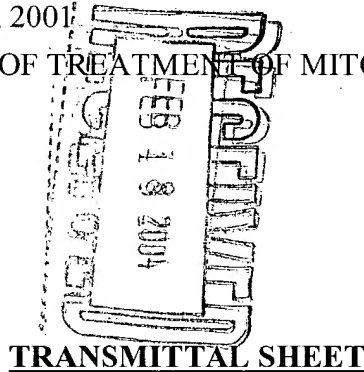
PATENT
Attorney Docket No.: UCSD1140-1

AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE - GROUP ART UNIT 1614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert K. Naviaux Art Unit: 1614
Application No.: 09/889,251 Examiner: P. Spivack
Filed: November 1, 2001
Title: METHODS OF TREATMENT OF MITOCHONDRIAL DISORDERS

Mail Stop: AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450



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Transmitted herewith for the above-identified application, please find:

- (1) Response to Final Office Action mailed August 5, 2003 (12 pgs);
- (2) Notice of Appeal (2 pgs);
- (3) Petition for Three Month Extension of Time (2 pgs);
- (4) Check No.: 553368 in the amount of \$640.00; and
- (5) Return postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on February 5, 2004, in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Cara Grifone

Cara Grifone 2/5/04

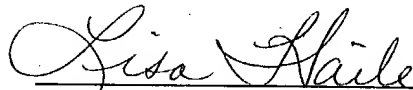
In the Application of
Robert K. Naviaux
Application Serial No.: 09/889,251
Filed: November 1, 2001
Page 2

PATENT
Attorney Docket No.: UCSD1140-1

Enclosed is a check in the amount of \$640.00 for the Three-Month extension of time fee and a Notice of Appeal fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: February 5, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

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PETITION FOR EXTENSION OF TIME

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Sir:

This is a request under the provisions of 37 C.F.R. § 1.136(a) to extend the period for filing a response in connection with the Office Action mailed August 5, 2003.

The requested extension is for Three (3) Months, extending the period for response from November 5, 2003 to February 5, 2004.

2/10/2004 DTESSEN1 00000134 09889251
1 FC:2253 475.00 OP

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, February 5, 2004 , in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.	
Cara Grifone (Name of Person Mailing Paper)	
<i>Cara Grifone</i> (Signature)	February 5, 2004 (Date)

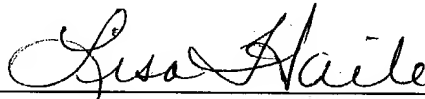
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Respectfully submitted,

Date: February 5, 2004



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